

Hearing Date: October 28, 2020 at 10:00 am

Objection Deadline: October 21, 2020

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE ASSOCIATES, *et al.*,

Defendants.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE REALTY, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04362 (SMB)

Adv. Pro. No. 10-04400 (SMB)

[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE THE TRUSTEE'S EXPERT REPORTS, FBI 302 STATEMENT, AND TESTIMONY OF SPECIAL AGENT THEODORE CACIOPPI

Upon consideration of the Motion *in Limine* of Defendants Sage Associates, Sage Realty, Malcolm H. Sage, Martin A. Sage, and Ann M. Sage Passer to Exclude the Trustee's Expert Reports, FBI 302 Statement, and Testimony of Special Agent Theodore Cacioppi (the "Motion"), dated October 14, 2020, ECF No. ___, and upon the Memorandum of Law in Support of the Motion, ECF No. ___, and the Declaration of Andrew B. Kratenstein in Support of the Motion, ECF No. ___, and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on _____ (the "Hearing"); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, objections thereto, the arguments of counsel at the Hearing and the record in this case; and for the reason set forth in the transcript of the Hearing on the Motion,

IT IS HEREBY:

ORDERED, that the relief requested in the Motion is granted to the extent set forth herein; and it is further

ORDERED, that the expert reports of Bruce Dubinsky, Matthew Greenblatt, and Lisa Collura are hereby excluded in the above-referenced adversary proceedings; and it is further

ORDERED, that the Federal Bureau of Investigation 302 Statement prepared by Special Agent Theodore Cacioppi, transcribed on December 18, 2008, is hereby excluded in the above-referenced adversary proceedings; and it is further

ORDERED, that the testimony of Special Agent Theodore Cacioppi is hereby excluded in the above referenced adversary proceedings; and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this order.

Dated: _____, 2020
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY
JUDGE